

REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Office Action of December 8, 2006. In particular, Applicant appreciates the Examiner's withdrawal of the previous rejections. *See* Office Action, page 2. Applicant has amended independent Claims 1 and 33 as set out above. Applicant has also cancelled Claims 38, 39 and 41 from the present application, rewritten Claim 40 to depend from Claim 35 and added new Claims 42 through 46 as set out above. Applicant respectfully submits that the pending claims are in condition for allowance for at least the reasons discussed herein.

The Section 103 Rejections

A. Claims 1-10, 19-36 and 38-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0032460 A1 to Cannon *et al.* (hereinafter "Cannon") in view United States Patent No. 6,675,006 B1 to Diaz *et al.* (hereinafter "Diaz"). *See* Office Action, page 3. Applicant respectfully submits that many of the recitations of the amended claims are neither disclosed nor suggested by the cited combination. For example, amended Claim 1 recites:

A method of controlling connection between a plurality of connectable devices, the method comprising:

selecting a first device, from a plurality of devices each having a predetermined identity, for connection to a second device; and

outputting a signal with an individual indicia associated with the identity of the first device in a manner that is observable as a feedback signal by a user, in response to said first device being selected for connection to said second device, wherein the indicia is coloured light (R,G,B,Y).

Independent Claim 33 contains corresponding apparatus recitations. Applicant respectfully submits that at least the highlighted recitations of Claim 1 are neither disclosed nor suggested by the cited combination for at least the reasons discussed herein.

The Office Action admits that Cannon does not disclose individual indicia. *See* Office Action, page 3. However, the Office Action points to Diaz as providing the missing teachings. *See* Office Action, page 3. Diaz discusses an LED capable of emitting light in two colors to be provided in a security device. As discussed in Diaz at column 4, line 55 to column 5, line 8, the LED is configured to display (i) the state of the security device and (ii) the state of connection between a emergency communication service unit and a response

center. In particular, the LED discussed in Diaz may be energized to flash in a first color (green) when the security device is brought into an arming mode, and flash in the first color (green) at the number of times corresponding to the number of sensors which have been actuated during the arming mode, when the security device is brought back to an disarming mode. Furthermore, the LED of Diaz may be energized to continuously emit light in the first color (green) during a period in which a connection between the emergency communication service unit and the response center is established upon operation of a communication button, until the connection is cut off, and continuously emit light in a second color (red) during a period in which a connection between the emergency communication service unit and the response center is established upon operation of a panic button, until the connection is cut off.

In stark contrast, Claim 1 recites:

outputting a signal with an individual indicia associated with the identity of the first device in a manner that is observable as a feedback signal by a user, in response to said first device being selected for connection to said second device, wherein the indicia is coloured light (R,G,B,Y).

In other words, different colors are used (from plurality of, for example, LEDs or from the same LED) to indicate which first device (from a plurality of connectable devices) is selected for connection. Thus, embodiments of the present invention may provide a method for making the user aware of the identity of a first device that is currently connected to the second device. Diaz does not provide these teachings. In particular, Diaz discusses an LED, which Cannon does not. Although Diaz discusses LEDs, the LEDs are used for a completely different purpose. In fact, the problem addressed by embodiments of the present invention is not addressed by Diaz. Accordingly, Applicant respectfully submits that independent Claim 1 and the claims that depend therefrom are patentable over the cited references for at least the reasons discussed herein.

Applicant further submits that independent Claim 33 and the claims that depend therefrom are patentable over the cited combination for at least the reasons discussed above with respect to Claim 1.

Accordingly, none of the cited references either alone or in combination disclose or suggest many of the recitations of Claim 1 set out above. Furthermore, there is no motivation or suggestion to combine the cited references as suggested in the Office Action.

As affirmed by the Court of Appeals for the Federal Circuit in *In re Sang-su Lee*, a factual question of motivation is material to patentability, **and cannot be resolved on subjective belief and unknown authority**. See *In re Sang-su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983).

The Office Action states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Diaz into the invention was of Cannon in order to enable the user to confirm whether a connection has been completely established upon operation.

See Office Action, page 4. This motivation is, at most, a motivation based on "subjective belief and unknown authority," the type of motivation that was rejected by the Federal Circuit in *In re Sang-su Lee*. In other words, the Office Action does not point to any specific portion of the cited references that would induce one of skill in the art to combine the cited references as suggested in the Office Action. Accordingly, the statement in the Office Action with respect to motivation does not adequately address the issue of motivation to combine as discussed in *In re Sang-su Lee*. Thus, it appears that the Office Action gains its alleged impetus or suggestion to combine the cited references by hindsight reasoning informed by Applicant's disclosure, which, as noted above, is an inappropriate basis for combining references.

Furthermore, Applicant respectfully submits that the teachings of Diaz are so different from the teachings of Cannon that one of skill in the art would not be motivated to combine the teachings of these references as suggested in the Office Action. Furthermore, even if the teachings of these references were to be combined, the result would be the mere aggregation of features, *i.e.* the apparatus of Cannon would be provided with the LEDs of Diaz. However, such aggregation of features would not disclose or suggest the recitations of Claim 1 set out above. Accordingly, Applicant submits that independent Claim 1 is patentable over the cited references for at least these additional reasons.

Accordingly, Applicant respectfully submits that independent Claims 1 and 33 are patentable over the cited combination for at the reasons discussed herein. Furthermore, the

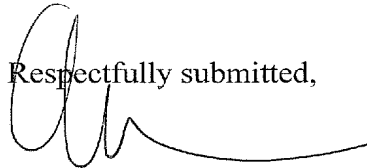
dependent claims are patentable at least per the patentability of independent base Claims 1 and 33 from which they depend. Accordingly, Applicant submits that independent Claims 1 and 33 and the claims that depend therefrom are in condition for allowance, which is respectfully requested in due course.

B. Claims 11-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon in view of Diaz in further view of United States Patent Publication No. 2002/0173347 to Kinnunen (hereinafter "Kinnunen"). *See* Office Action, page 12. As discussed above, the dependent claims are patentable over the cited references for at least the reasons discussed herein with respect to independent Claims 1 and 33 from which they depend.

CONCLUSION

Applicant respectfully submits that pending claims are in condition for allowance for at least the reasons discussed above. Thus, allowance of the pending claims is respectfully requested in due course. Favorable examination and allowance of the present application is respectfully requested.

Respectfully submitted,

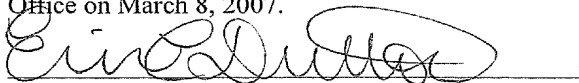


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